

**TIPPECANOE COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
JANUARY 30, 2003**

The Tippecanoe County Commissioners met on Thursday, January 30, 2003 at 2:00 P.M. in the Tippecanoe Room in the County Office Building. Commissioners present were: President KD Benson and Vice President Ruth E. Shedd; County Attorney David W. Luhman, and Secretary Pauline E. Rohr. (Commissioner John L. Knochel, Auditor Robert A. Plantenga, and Commissioners' Assistant Jennifer Weston were absent.)

President Benson called the meeting to order.

POOR RELIEF HEARING: Gail A. Brock vs Fairfield Township Trustee

Gail Brock, 2340 Old Romney Rd., Apt. 3, Laf., was present to appeal her denial of \$441 for housing assistance and medical supplies from the Fairfield Township Trustee.

Fairfield Township Attorney Michael Parkinson, and Fairfield Township Poor Relief Caseworker Emily Brown were present to represent the Township.

Other witnesses present were Sally Cooke, Community Health Clinic Health Referral Service Coordinator, Don Shiver, AFL-CIO Community Service Representative at the United Way, and Edie Pierce Thomas, Executive Director of Lafayette Housing Authority.

The witnesses were sworn in by County Attorney Luhman who then called upon Ms Brock to present her case.

Gail Brock

Tues., 1/21/03: Applied to Trustee for housing, phone, and medical assistance.
Thurs., 1/23/03: Information Sheet admitted as Ex 1.
Fri., 1/24/03: Verbal denial for housing because of HUD eviction (2001) effective for 5 years (2006).

Trustee told her to contact Sally Cooke at Community Health Clinic for Insulin supplies.
(Will be out of Insulin by Saturday, 1/25/03).

Regional Diabetic Center provided 3 reservoirs

Wed., 1/29/03: Community Health Clinic found discretionary funds – approximately 1 month supply.

Ms Brock cited two Indiana Code cites she thinks apply to her situation:

IC 12-20-16-2 states the trustee must supply Insulin and supplies to administer.

IC 12-7-2-76.5 regarding emergency assistance by the trustee for the health and safety of a household member.

Ms Brock requested admission of a fax from the Howard County Trustee regarding the above code cites. Mr. Luhman marked as Ex 2.

Mr. Parkinson objected to the fax because of irrelevance.

Attorney Luhman explained the Commissioners must decide if Fairfield Township Trustee applied the Township's own standards. He ruled this fax, Ex 2, is not relevant and not admitted for that reason.

Sat., 1/25/03: Received written denial for housing and phone.
Ms Brock stated she doesn't understand the denial based on her eviction by HUD because she does not currently live in Federally funded housing.

Mr. Parkinson

Mr. Parkinson asked Ms Brock if this was the first time she applied to the Township for assistance. She

responded this was the second time. The first was in 2000.

Since Ms Brock has raised some issues and, in Mr. Parkinson's opinion, is impugning the reputation of several individuals here today, he asked her if she was convicted of a felony for criminal confinement.

Ms Brock responded she was, but said that has no relevance to this case.

Mr. Parkinson said it goes to veracity, truthfulness.

Due to the relative informal nature of the proceedings, Attorney Luhman said he would sustain her objection and said he thinks all will be well served if the focus is on whether the Trustee followed the Standards.

Sally Cooke, CHC (called by Ms Brock)

Ms Brock established that she is a Community Health Clinic (CHC) patient and a Ms Cooke stated Ms Brock is a client of hers.

Ms Brock asked if there is a Statute stating the CHC must supply Insulin to any one. Ms Cooke responded there is no mandate. She said the Health Referral Service is unique to Tippecanoe County and supplies emergency medical assistance to indigent, low income, or no-insurance residents of the County. They always supply Insulin.

Ms Brock asked Ms Cooke to explain the Medical Assistance Program (MAP) of which she is a member. Ms Cooke explained it is for indigent, low income, or no-insurance individuals who have a Social Security number and meet income standards. MAP maintains a full time office for CHC patients. Pharmaceutical companies will supply 3 months of Insulin either directly to individuals or through CHC. Ms Brock applied 9/16/02 and received vouchers for 3 months of Insulin approximately 1 month later.

Mr. Parkinson objected to this line of questioning because of relevance and time. He said the issue is was she denied her medical supplies which she has conceded is a moot point.

Attorney Luhman asked Ms Brock and Mr. Parkinson to limit the questions, testimony, and evidence to the issue of whether the Trustee applied the Standards. He said it is a well established fact that Ms Brock did not receive the Insulin.

Ms Brock asked Ms Cooke if the CHC receives money from the Trustee. Ms Cooke responded that they do. It is used to assist with emergency medicine for Fairfield Township residents. The client presents the prescription and Ms Cooke determines the amount of assistance. Ms Brock asked how many CHC clients have Insulin pumps.

Attorney Luhman sustained Mr. Parkinson's objection because that is not relevant to the Trustee's actions.

Ms Brock asked if Ms Cooke is presently working on a new contract with the Trustee.

Attorney Luhman sustained Mr. Parkinson's objection because of relevance unless Ms Brock thinks this affected the Trustee's actions.

Don Shiver, AFL CIO (called by Ms Brock)

Mr. Shiver said Ms Brock was referred to him by the Salvation Army Social Worker approximately a week ago. He expressed his general dissatisfaction with the Trustee's social services.

President Benson interjected that issues Mr. Shiver is raising are election matters and should be addressed when the Trustee runs for re-election.

Attorney Luhman informed Mr. Shiver that today's hearing is limited to Ms Brock's application. Since that is the case, Mr. Shiver said he had no further comments.

Mr. Parkinson made a standing objection to further argumentation and further introduction of irrelevant evidence.

Emily Brown, Poor Relief Caseworker (called by Mr. Parkinson)

Ms Brown identified the Township's exhibits:

Ex A: Notice of Poor Relief Action following Ms Brock's interview dated 1/23/03

Ex B: Other Public Assistance (page 7 of Application)

Ex C: Letter from Lafayette Housing Authority to Fairfield Township stating Ms Brock is terminated off the Lafayette Housing Authority program and in bad standing for 5 years dated 1/24/03. This disqualified her for Township housing assistance.

Ex D: Notice of Poor Relief Action – written denial dated 1/24/03.

Mr. Parkinson asked Ms Brown if Ms Brock requested medical assistance and she responded that she referred Ms Brock to the CHC because they receive funding from the Township. If they were unable to help, Ms Brock was to return to the Township.

Mr. Parkinson moved to admit Exhibits A, B, C, & D as well as the Township Standards that are on file in the Commissioners' Office. Ms Brock had no objection.

Ms Brock asked Ms Brown to relate what she told her to do when she came to the Township Office. Ms Brown said she instructed Ms Brock to contact Ms Cooke at the CHC and Ms Brock told her she had contacted the CHC regarding grants and loans. Ms Brown pointed out that grants and loans are not Township funds. She said Ms Brock agreed to contact Ms Cooke.

Fri., 1/24/03 Written Notice of Denial sent.

Phone conversation with Ms Brock. Informed her of denial for housing assistance following the letter from Lafayette Housing Authority stating she is in bad standing.

Did not give a written referral for medical supplies to CHC because Ms Brock had not contacted Ms Cooke as instructed.

Ms Brock countered that she told the Township on Friday she had talked with Ms Cooke and the CHC could not help with her supplies. Ms Brown said she didn't recall that conversation.

Sally Cooke (called by Mr. Parkinson)

Mr. Parkinson asked Ms Cooke if Ms Brock came to her for medical assistance from the Trustee's Office. Ms Cooke responded by reading from her notes of the visit:

Fri., 1/24/03 Ms Brock arrived at her office without a scheduled appointment.

Ms Brock did not follow their walk-in procedures.

Ms Brock told her the Township instructed her to come to CHC for medical supplies because they help fund the CHC.

Ms Brock told her she knew CHC couldn't help but asked for a copy of the Clinic's guidelines. She told Ms Cooke she had retained an attorney to represent her pro bono against the Fairfield Township Trustee.

Ms Cooke told her there were no written guidelines at this time.

Ms Cooke said she asked Ms Brock about her eyes. Ms Brock told her and left.

Ms Cooke said that is what she wrote and no, Ms Brock did not ask for assistance.

Mr. Parkinson asked Ms Cooke if she knew of Ms Brock's medical problem. Ms Cooke responded that she did not know until yesterday what medical assistance Ms Brock needed. Mr. Parkinson asked if CHC has a problem supplying Ms Brock with Insulin and supplies. Ms Cooke said ordinarily they would not supply this amount, but she is using a small discretionary fund for medical assistance to give Ms Brock approximately 1 month's supplies today.

Ms Brock established that this is a one time assistance from CHC, but Ms Cooke said she said it is her job to try and help in an emergency.

Ms Brock asked to admit a letter from Dr. Sutton at CHC regarding instructions for her Insulin pump. Since this letter is in her file, she thought Ms Cooke should know about her medical condition. Ms Cooke responded she has no cause to access Ms Brock's files at CHC unless by specific request.

Attorney Luhman marked the letter as Ex 3 but sustained Mr. Parkinson's objection because it is not relevant to the Trustee's action.

Ms Brock tried to establish that Ms Cooke was aware of her need for Insulin, but Ms Cooke only remembered supplying her with Dextrose.

Attorney Luhman sustained Mr. Parkinson's objection and reminded Ms Brock the issue is the Trustee's actions within the past week or so and if they followed the Standards.

Edie Pierce Thomas, Lafayette Housing Authority

Mr. Parkinson asked if Ms Thomas is familiar with Ms Brock's file. She responded only since yesterday. She said Ms Brock was on their program but was terminated from assistance 8/31/01 with a 5 year bad standing. She will not be eligible for consideration before 9/1/2006.

Ms Brock asked to submit a statement from James T. Poulos, MD stating a telephone is a medical necessity for Ms Brock.

Attorney Luhman admitted the letter as Ex 4, but Mr. Parkinson objected because there is no basis for authenticating the document. He thought it was not relevant because Ms Brock did not appeal for telephone assistance.

Summaries:

Ms Brock

The Statute requires the Trustee to supply Insulin and the supplies to administer.

Telephone assistance was denied as a necessity.

The denial for housing assistance was based on information from Deerfield Commons where she no longer lives. She asked the Commissioners to waive the income allowance guidelines for the medical limit due to the high cost of her medical supplies.

She asked the Commissioners to require the Trustee to reimburse CHC for the Insulin supplies she is receiving today.

Ms Brock requested a 72 hour extension for evaluation of her medical bills by the Trustee.

Ms Brock again asked the Trustee to furnish Insulin and supplies and grant the Telephone allowance as in the past.

Mr. Parkinson

The first paragraph of page 7 of the Township's Standards state it is the duty of the Trustee to make referrals to qualified medical providers.

Attorney Luhman instructed Ms Brock and Mr. Parkinson they will have until 4:30 P.M., Monday, February 3, 2002 to submit written Findings of Fact or conclusions for the Commissioners' consideration.

GRANT APPLICATION: Indiana Department of Environmental Management: Grant Coordinator Jessica Rebmann

Mrs. Rebmann explained this grant application to the Indiana Department of Environmental Management in the amount of \$97,635 requires no local match. County Surveyor Steve Murray will be the Project Coordinator for the Lauramie Creek Watershed Management Plan that falls under the Clean Water Act Section 205(j). The

project is proposed to start January 1, 2004 and end June 30, 2005.

- Commissioner Shedd moved to authorize the President to sign the grant application, seconded by Commissioner Benson; motion carried.

ADJOURNMENT

- Commissioner Shedd moved to adjourn, seconded by Commissioner Benson; motion carried.

Robert A. Plantenga, Auditor

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

KD Benson, President

Ruth E. Shedd, Vice President

John L. Knochel, Member

ATTEST:

Robert A. Plantenga, Auditor